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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,788	08/15/2001	Andrew David Hood	Hood/Sliwa	2548
55409 7590 11/01/2007 MATHEW J. TEMMERMAN 423 E. STREET DAVIS, CA 95616				
			EXAMINER FRENEL, VANEL	
			ART UNIT 3627	PAPER NUMBER
			MAIL DATE 11/01/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/930,788	<b>Applicant(s)</b> HOOD ET AL.	
	<b>Examiner</b> Vanel Frenel	<b>Art Unit</b> 3627	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 August 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2, 4-6, 8, 13-16, 19-21, 23-25, 35 -36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2, 4-6, 8, 13-16, 19-21, 23-25, 35 -36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **Notice to Applicant**

1. This communication is in response to the Amendment filed on 8/15/07. Claims 1, 3, 7, 9-12, 17-18, 22, 26-34 and 37-40 have been cancelled. Claims 2, 4-5, 8, 13-16, 19-20, 23-25 and 35-36 have been amended. Claims 2, 4, 5, 6, 8, 13-16, 19-21, 23-25 and 35-36 are pending.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2, 4, 5-6, 8, 13-16, 19, 20-21, 23-25, 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (6,168,563), Campbell et al (6,047,259) in view of Ballantyne et al (5,867,821) and further in view of Kehr et al (2003/0036683).

(A) Claim 2 has been amended to recite the limitations of "in which a handheld computing device has a computer-readable medium having stored thereon a plurality of instruction sequences, which when executed by a processor, cause the process to perform the steps of executing", "a means for receiving medical data through remote transmission", "data point-based", "said natural language report having syntax and structure", "receiving customized information from a template manager", template based ", "and wherein at least one of said data entry screens correlates a set of modifiers to a

body part; and wherein said customized information directs the function of said first module.

Brown, Campbell and Ballantyne do not explicitly disclose in which a handheld computing device has a computer-readable medium having stored thereon a plurality of instruction sequences, which when executed by a processor, cause the process to perform the steps of executing”, “a means for receiving medical data through remote transmission”, “data point-based”, “said natural language report having syntax and structure”, “receiving customized information from a template manager”, template based “, “and wherein at least one of said data entry screens correlates a set of modifiers to a body part; and wherein said customized information directs the function of said first module.

However, these features are known in the art, as evidenced by Kehr. In particular, Kehr suggests in which a handheld computing device has a computer-readable medium having stored thereon a plurality of instruction sequences, which when executed by a processor, cause the process to perform the steps of executing”, “a means for receiving medical data through remote transmission (See Kehr, Page 36, Paragraph 0326; Page 43, Paragraph 0389)”, “data point-based”, “said natural language report having syntax and structure”, “receiving customized information from a template manager”, template based “, “and wherein at least one of said data entry screens correlates a set of modifiers to a body part; and wherein said customized information directs the function of said first module (See Kehr, Page 43, Paragraphs 0388-0392).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Kehr within the collective teachings of Brown, Campbell and Ballantyne with the motivation of providing a medical information management system and database (See Kehr, Page 1, Paragraph 0006).

(B) Claim 4 has been amended to recite the limitation of "template manager". However, this changes does not affect the scope and the breadth of the claim as previously presented, is therefore rejected for the same reasons given in the prior Office Action, and incorporated herein.

(C) Claim 5 has been amended to recite the limitation of "template manager" and "said syntax and structure of said natural language report, and said data-points". However, this changes does not affect the scope and the breadth of the claim as previously presented, is therefore rejected for the same reasons given in the prior Office Action, and incorporated herein.

(D) Claim 8 has been amended to recite the limitation of "template manager", "customizing", "plurality of". However, these changes do not affect the scope and the breadth of the claim as previously presented, are therefore rejected for the same reasons given in the prior Office Action, and incorporated herein.

(E) Claim 13 has been amended to change the dependency to claim 8. However, this changes does not affect the scope and the breadth of the claim as previously presented, is therefore rejected for the same reasons given in the prior Office Action, and incorporated herein.

(F) Claim 14 has been amended to recite the limitation of "template manager" and "a". However, this changes does not affect the scope and the breadth of the claim as previously presented, is therefore rejected for the same reasons given in the prior Office Action, and incorporated herein.

(G) As per the newly amended claim 15, Kehr discloses the limitation of "and wherein said customized information further comprises said unique identifier" (See Kehr Page 6, Paragraph 0083.

(H) Claim 16 has been amended to recite the limitation of "a means for receiving medical data through remote transmission", "a means for receiving customized information, and a means for creating a natural language report and a data point-based searchable database from said medical information, wherein said natural language report has a syntax and a structure"; "template manager", "customized information for use by said first module, said customized information composing", "template based", "wherein said customized information directs the function of said first module; and

wherein at least one said data entry screens allows a user to correlate a set of modifiers with a body part".

Brown, Campbell and Ballantyne do not explicitly disclose "a means for receiving medical data through remote transmission", "a means for receiving customized information, and a means for creating a natural language report and a data point-based searchable database from said medical information, wherein said natural language report has a syntax and a structure"; "template manager", "customized information for use by said first module, said customized information composing", "template based", "wherein said customized information directs the function of said first module (See Kehr, Fig. 16; Page 5, Paragraphs 0074-0077); and wherein at least one said data entry screens allows a user to correlate a set of modifiers with a body part" (See Kehr, Page 43, Paragraphs 0388-0392).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Kehr within the collective teachings of Brown, Campbell and Ballantyne with the motivation of providing a medical information management system and database (See Kehr, Page 1, Paragraph 0006).

(I) Claim 19 has been amended to recite the limitation of "template manager" and "template based". However, this changes does not affect the scope and the breadth of the claim as previously presented, is therefore rejected for the same reasons given in the prior Office Action, and incorporated herein.

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(J) As per the newly amended claim 20, Kehr discloses the limitation of "template manager", "said natural language report, and said data points in said data point-based searchable database" (See Kehr, Page 6, Paragraphs 0083-0084).

(K) Claim 23 has been amended to recite the limitation of "template manager", "a", "customizing". However, this changes does not affect the scope and the breadth of the claim as previously presented, is therefore rejected for the same reasons given in the prior Office Action, and incorporated herein.

(L) Claim 25 has been amended to recite the limitation of "and wherein said customized information further comprises said unique identifier". However, this feature has been clearly taught by Kehr, Page 6, Paragraph 0083).

(M) Claim 35 has been amended to recite the limitation of "creating medical data input screens", "first", "a second module having a means for customizing said screen, said natural language report, and said searchable database; and wherein said customization means is template based".

Brown, Campbell and Ballantyne do not explicitly disclose "creating medical data input screens", "first", "a second module having a means for customizing said screen, said natural language report, and said searchable database; and wherein said customization means is template based".



However, these features are known in the art, as evidenced by Kehr. In particular, Kehr suggests "creating medical data input screens", "first", "a second module having a means for customizing said screen, said natural language report, and said searchable database (See Kehr, Page 6, Paragraphs 0083-0084); and wherein said customization means is template based" (See Kehr, Page 43, Paragraphs 0388-0392).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Kehr within the collective teachings of Brown, Campbell and Ballantyne with the motivation of providing a medical information management system and database (See Kehr, Page 1, Paragraph 0006).

(N) Claim 36 has been amended to recite the limitation of "a second module having a means for customizing said data entry screen and said matrix; and wherein said customization means is template based".

Brown, Campbell and Ballantyne do not explicitly disclose "a second module having a means for customizing said data entry screen and said matrix; and wherein said customization means is template based".

However, this feature is known in the art, as evidenced by Kehr. In particular, Kehr suggests "a second module having a means for customizing said data entry screen and said matrix; and wherein said customization means is template based" (See Kehr, Page 4, Paragraphs 0068-0069; Page 43, Paragraphs 0383-0384).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Kehr within the collective teachings of Brown, Campbell and Ballantyne with the motivation of providing a medical information management system and database (See Kehr, Page 1, Paragraph 0006).

(O) Claims 6 and 21 have not been amended are therefore rejected for the same reasons given in the previous Office Action, and incorporated herein.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 2, 4-6, 8, 13-16, 19-21, 23-25, 35 and 36 have been considered but are moot in view of the new ground(s) of rejection.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769. The examiner can normally be reached on 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zeender Ryan Florian can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

V.F.  
V.F.

Andrew Joseph Frenel  
Primary Examiner, AU 3627